

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

223

CRM-M-33811-2019

Date of Decision:23.10.2019

Ram Naresh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Ms. Promila Nain, Advocate,
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.109 dated 03.06.2017 under Section 354-B IPC and Section 8 of the POCSO Act, wherein he was already on bail and is facing trial but taken in custody after two years due to newly added Section 376 IPC and Sections 3 & 4 of the POCSO Act, registered at Police Station Division No.4, Ludhiana.

Learned counsel for the petitioner has argued that the petitioner is in custody since 08.06.2019 after the offence under Section 376 IPC being added in the case. Otherwise the petitioner remained on bail. She refers to the statement of the victim to contend that there is no specific allegation against the petitioner. The victim has not identified the petitioner and rather, stated that one “uncle” used to do bad touch with her. When

there was a competition in the school, this uncle has touched her private

parts. She has further argued that initially FIR was registered on 03.06.2017 and it is after two years, the offence under Section 376 IPC has been added in the case. She refers to the report of the chemical examiner, Annexure P-5 to contend that on the basis of said report, it is not established as to whether the petitioner has committed the offence for the newly added Section 376 IPC.

Learned State Counsel does not dispute the custody period. However, he states that the petitioner has been identified by the victim on the basis of passport size photographs. The allegations against the petitioner being serious and once the offence under Section 376 IPC has been added in the case, the petitioner does not deserve to be admitted on bail.

Heard learned counsel for the parties.

Admittedly, the petitioner is in custody since 08.06.2019. Statement of the victim shows that the accused had given bad touch to her. Offence under Section 376 IPC in the case has been added after more than two years. Challan in the case has been presented and charges are yet to be framed. Trial in the case is not likely to be concluded in the near future. Therefore, this Court deems it appropriate to admit the petitioner on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

However, the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall proceed with the trial independently without being influenced by the order

of bail passed by this Court.

It is made clear that the petitioner shall not extend any threat and shall not try to influence any prosecution witnesses directly or indirectly in any manner.

October 23, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No